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January 26th, 2016 Minutes

Brookings County Planning & Zoning Commission
January 26th, 2016 – 6:00 PM
Brookings City & County Government Center
300 Community Room

Chair Elenkiwich called the meeting to order at 6:02 PM. Commission members present for the public hearing of the comprehensive plan were: Lee Ann Pierce, Robert Rochel, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Randy Jensen, and alternate board member Tom Davis. Absent was: Jeff Robbins and alternate board member Roger Erickson.

Chair Elenkiwich read **agenda item # 2: Items to be added to agenda by commission members or staff.** No items were added.

Chair Elenkiwich read **agenda item # 3: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Elenkiwich read **agenda item # 4: Approval of Agenda.** Tom Davis moved to approve the agenda. Darrell Nelson second. Chair Elenkiwich called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Elenkiwich stated, "We are now acting as the Brookings County Planning and Zoning Commission and read the opening statement and **agenda item #5: NOTICE OF PUBLIC HEARING AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN.** The Brookings County Planning and Zoning Commission will hold a public hearing on Tuesday, January 26th, 2016 at 6:00 PM in the Brookings City and County Government Center, Community Room 300, 520 3rd Street Brookings, South Dakota. All interested persons are encouraged to attend and comment on the proposed Comprehensive Land Use Plan, which includes the future land use map. The Planning Commission may make recommendation to the Brookings Board of County Commissioners to adopt the Comprehensive Land Use Plan, with or without amendment. The proposed Comprehensive Land Use Plan will be made available for public inspection during normal business hours at the Brookings County Development Office, Suite 200, 520 3rd Street Brookings, South Dakota or online at www.brookingscountysd.gov -

(Pursuant to SDCL Section 11-2 and amendments thereto).” Board member Laurie Nichols arrived and took her seat at this time. Robert Rochel moved to approve the Adoption of the Comprehensive Land Use Plan. Darrel Kleinjan second. Chair Elenkiwich opened up for discussion and noted that Bob Hill would give a report first followed by Mr. Luke Muller and then it would be opened up to the public. Mr. Hill went through a history of what the county did in development of the Comprehensive Plan. He noted that the County Commissioner were involved during the process and were in attendance at the present meeting strictly as citizens of Brookings County. Mr. Hill stated, “Community meetings were held September 2013 - March 2014 in various cities (Volga, White, Elkton & Brookings) and townships (Afton, Argo & Brookings Townships) and a presentation was also presented at a Brookings County Towns and Townships meeting and at a Lake Poinsett Development Association meeting. A written survey was: mailed out to 552 individuals that live in the rural unincorporated area of Brookings County thru a random sampling, offered online as well as at various meetings. 221 surveys were completed and returned: 139 online, 82 paper/mail format. First District Association of Local Government became involved and helped to develop and fine tune the plan.” Mr. Hill gave credit to the many people that assisted in the development of the plan – Meghan Thoreau, John Waldner, SDSU Sociology class – Rural development, Richard Haugen, Luke Muller, Todd Kays, Brookings County Planning Commission, Rae Lynn Maher and most importantly the citizens of Brookings County. Chair Elenkiwich thanked Mr. Hill and asked Mr. Muller to present his report. Luke Muller, from First District Association of Local Government, gave a power point presentation which is on file to the public regarding the Comprehensive Land Use Plan. He went over the timeline, methodology used to come up with future land use plan, history (prior land use plans developed in 1973 & 2000 and also major zoning updates 1976, 1988, 1997, 2007) and then described the new plan with goals, changes and updates noted. Chair Elenkiwich thanked Mr. Muller for his presentation and comments and then opened for discussion and comments from the audience.

The following members of the audience came forward and addressed the board:

1) Laura Marsh identified herself as working for Dakota Rural Action. Ms. Marsh stated, “I wanted all types and sizes of farms encouraged in Brookings County.” She asked that the board consider changing the minimum 35 acre constraint on parcel size in rural areas of Brookings County be changed to 20 acres to match with the state minimum to encourage small farms. Hand-outs were also presented to the board members and are on file.

2) Caleb Evenson identified himself as a Brookings resident and member of DRA. Mr. Evenson expressed his concern with how little the plan addressed water quality. He stated, “The plan references prohibiting development over shallow aquifers, but doesn’t do anything to prohibit development near shallow aquifers.” He noted that the DRA group that he belonged to wanted to suggest that some set-back requirements and vegetative buffer requirements be added in the plan. He also noted a concern with bacterial counts and would like to see mapping of tiling and manure applications in the county. Hand-outs were also presented to the board and are on file.

3) Ming-Yu Stephens – noted she was a student from SDSU (South Dakota State University) studying resource management. Ms. Stephens addressed air quality as noted in the plan under the CAFOs (Concentrated Animal Feeding Operations) section. She expressed concerns stating, “Odor is not the only concern regarding CAFOs lots of volatiles including hydrogen sulfide, ammonia and methane and particulates emanating from the CAFOs have been associated with significant health risks, some of them are current and can build up and over time so it is particularly important to address these issues when we are talking about CAFOs that are close by to where the citizens of Brookings County live. Pesticides are also used in these areas and also a health risk.” Ms. Stephens noted she wanted setbacks to be looked at in the context of these concerns and not just the concern of odors. Hand-outs were presented to the board and are on file.

4) Catherine Carter addressed concerns in the areas of: a) Residential development in lake areas and around small towns in regards to CAFOs. b) Right to Farm Covenants and Waivers and landowner rights. c) Religious farming community development over shallow aquifer if the proposed Religious farming community utilizes an approved central sanitary sewer collection system – regarding this specific area of the plan Ms. Carter asked the board to reconsider the idea of having these types of exemptions and possibly not allow any type of development over shallow aquifers.

5) Carl Kline expressed his primary concern was with water quality and to value water over economic value over large operations.

6) Norris Patrick listed 2 concerns: 1) Tiling that goes on in the county. 2) Land size – Mr. Patrick stated, “The 35 acres lots should be 2-3 or 5 acres and should be between the landowner and the buyer, I don’t think government has any place in this. You are eliminating the buyer that can’t afford the 40 acres.”

7) Randy Van Leeuwe – noted he owned a small parcel on the North tip of Oak Lake. Mr. Van Leeuwe expressed his concern with water and the practices that the land use plan would put into place for years to come.

8) Les Howard identified himself and noted that he owned a place northwest of town. He stated, “In the past I applied for a conditional use permit and during the process became more aware of the comprehensive plan. I want to comment the work that has been done so far.” Mr. Howard noted that he plans to stay informed, involved and wants to help with future ordinance changes and such. He stated, “Farm and non-farm residents can co-exist, agriculture is our biggest industry but, there has to be rules and regulations followed. I want to make sure there is a process in place to keep us informed, take our input. In this modern era good laws, understandable rules will make good neighbors.”

9) Lowell Slyter voiced his concern with the abandoned farmsteads and the plans mention that if those sites have not been occupied after “X” number of years the site would no longer be exempt from the 35 acre rule. Board member Pierce noted, “The plan doesn’t say that is what is going to happen, it says we have had conversation and consider this.”

10) Jim Eggen voiced his concern with the I-29 corridor and the concentrated location of CAFO’s being along a very sensitive area in relation to the watersheds. He stated, “I want Brookings County to consider this in relation to water and be a

leader in making sure things are done right not only in the county but in the state as well."

11) Jon Kleinjan identified himself as a past board member of the 1970's and gave a brief history of why the 35 acre rule was established while he was on the board.

12) Ben Stout from the South Dakota Department of Ag stated, "I appreciated the attention to agriculture. Brookings County is a good example of a county that supports Ag of all types – Farmers Markets, Dairies, CAFOs. Brookings is a good well rounded community." He also commented, "This is a road map for future development there is plenty of opportunities for input later on, this is a guide to get us to where we are going, we can talk more on specific project and the benefits and drawbacks later on as those come up." Chair Elenkiwich closed the public hearing and thanked everyone for coming.

Chair Elenkiwich then asked the board if any board member wanted to: 1) Make a motion to amended any specific sections based on comments heard? 2) Inclined to vote on the plan as currently drafted? 3) Motion to table to consider what was observed tonight? Lee Ann Pierce made a motion to amend pages 2, 35 & 45 with the following changes (**Amendment #1**). Page #2: correct the word "tenents", page #35: 1) change "eight" to "nine" prairie lake 2) Add "Oak Lake" and page #45: Add "to" to sentence . Second by Randy Jensen. Chair Elenkiwich asked for further discussion from the board, hearing none. Chair Elenkiwich called for roll call vote: Jensen-aye, Spence-aye, Nichols-aye, Kleinjan-aye, Davis, aye, Nelson-aye, Rochel-aye, Pierce-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich asked if the board had any further comments. Board member Tom Davis wanted to address the comment on public input made earlier and stated, "Former staff member Meghan Thoreau came to our township meeting and spent 3 hours with us. I think our initial public input was very good and she tried to meet with every board in the county." Board member Robert Rochel asked that Luke Muller step forward and discuss more on Natural Resource. Mr. Muller discussed with the board possible areas of change to the plan. The board requested that he consider where the possible changes should go while they continued discussions.

Chair Elenkiwich asked the board for further discussion or comments. Laurie Nichols noted that she wanted to discuss further the comment made regarding religious farms and the aquifer. Board members discussed concerns. Laurie Nichols made a motion to amend page #71 with the following change (**Amendment #2**). Page #71: bullet number five (5) change wording to - Religious farming communities may not be allowed over or near a shallow aquifer. Second by Terrell Spence. Chair Elenkiwich asked for roll call vote: Spence-aye, Nichols-aye, Kleinjan-aye, Davis-aye, Nelson-aye, Rochel-nay, Pierce-aye, Elenkiwich-nay, Jensen-aye. 7-ayes, 2-nays, motion carried.

Chair Elenkiwich called Luke Muller back to the podium to finalize rezoning discussion. Mr. Muller discussed options with the board. Board member Robert Rochel made a motion to amend page #53 with the following change (**Amendment #3**). Page #53: under bullet number six (6) add a sub-bullet: Brookings County discourages the rezoning of property from Natural Resources District to Lake Park District. Second by Darrel Kleinjan. Chair Elenkiwich asked for further discussion

from the board, hearing none. Chair Elenkiwich called for roll call vote: Nichols-aye, Kleinjan-aye, Davis-aye, Nelson-aye, Rochel-aye, Pierce-aye, Jensen-aye, Spence-aye, Elenkiwich-aye. 9- ayes, 0-nays, motion carried.

Lee Ann Pierce made a motion to amend page #43 with the following addition **(Amendment #4)** Page #43: under Policy 3 – Supporting Policies make addition to bullet one (1) so the bullet will read “The preservation of the agricultural production practices should be a priority consideration in land use decisions. Agricultural practices that promote air and water quality, preserve the environment, and mitigate impacts on nearby property should be encouraged.” Second by Terrell Spence. Chair Elenkiwich called for further discussion from the board, hearing none. Chair Elenkiwich called for a roll call vote: Kleinjan-aye, Davis-aye, Nelson-aye, Rochel-aye, Pierce-aye, Jensen-aye, Spence-aye, Nichols-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Lee Ann Pierce made a motion to amend page #55 with the following change **(Amendment #5)** Page #55: Under Environmental Areas expand statement to read: “It is the goal of Brookings County to preserve, protect, conserve, and enhance environmental resources including land, water, wetlands, lakes, rivers and streams, wildlife habitats, and recreational areas; and to avoid development in areas that.” Second by Robert Rochel. Chair Elenkiwich called for further discussion from the board. Darrel Nelson noted that it seemed to be quite subjective and not contain any objectivity. Chair Elenkiwich called for a roll call vote: Davis-aye, Nelson-nay, Rochel-nay, Pierce-aye, Jensen-aye, Spence-aye, Nichols-aye, Kleinjan-nay, Elenkiwich-nay. 5-ayes, 4-nays, motion carried.

Chair Elenkiwich asked if the board had additional points they wanted to review. Luke Muller noted a typographical error on page #17 Terrell Spence made a motion to amend with the following change **(Amendment #6)** Page #17: correct last sentence on page to remove “*near Lake Hendricks*” and insert “Oakwood Lakes area”. Second by Lee Ann Pierce. Chair Elenkiwich called for further discussion from the board, hearing none, called for a roll call vote: Nelson-aye, Rochel-aye, Pierce-aye, Jensen-aye, Spence-aye, Nichols-aye, Kleinjan-aye, Elenkiwich-aye, Davis-aye. 9-ayes, 0-nays, motion carried.

Lee Ann Pierce made a motion to amend page #87 with the following addition **(Amendment #7)** Page#87 bullet number six (6) under “GENERAL COMMERCIAL/INDUSTRIAL POLICIES” add the sentence. “Downward-directed lights and other measures to reduce light pollution are encouraged.” Second by Darrell Nelson. Chair Elenkiwich asked for further discussion from the board, hearing none. Chair Elenkiwich called for a roll call vote: Rochel-aye, Pierce-aye, Jensen-aye, Spence-aye, Nichols-aye, Kleinjan-aye, Davis-aye, Nelson-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich asked for further comments or discussion. Board member Pierce addressed the public group and clarified some future plans regarding the Comprehensive Plan, the ordinance review and joint jurisdiction area in regards to small farms, niche farming and smaller residential uses. Lee Ann Pierce then made a motion to amend page #24 with the following removal **(Amendment #8)** Page #24: remove the sentence “*Banking regulations, niche crop farms, and hobby farms are stoking pressures which already exist to establish small residences in*

rural portions of the county.” Second by Robert Rochel. Chair Elenkiwich asked for further discussion from the board, hearing none, called for a roll call vote: Pierce-aye, Jensen-aye, Spence-aye, Nichols-aye, Kleinjan-aye, Nelson-aye, Rochel-aye, Davis-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Board member Darrell Nelson addressed the audience and stated, “We do not want anyone to think Brookings County is against small farms as we certainly aren’t.” He described concerns and issues that can arise and the need to consider all aspects of things when planning for the future.

Chair Elenkiwich asked the board for further comments or discussions, hearing none, called for a roll call vote on the recommended plan with amendments: Jensen-aye, Spence-aye, Nichols-aye, Kleinjan-aye, Davis-aye, Nelson-aye, Rochel-aye, Pierce-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich thanked all those in attendance for comments and concerns and adjourned the meeting at 8:20 PM

Rae Lynn Maher
Brookings County
Development Department.